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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/715,521 | 11/19/2003 | Yutaka Sato | 520.43271X00 | 4687 |
| 24956 | 7590 | 05/01/2006 | EXAMINER | |
| MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314 | | | SYED, FARHAN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2165 | |

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/715,521 | Applicant(s) SATO ET AL. | |
| | Examiner Farhan M. Syed | Art Unit 2165 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/13/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-10 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 4, item 253; Figure 5, step 506. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "Figure 4, item 18" has been used to designate both "transmission control block" in the Applicant's specification and "communication controller" in Figure 4 of the Applicant's drawings. Corrected drawing sheets in

Art Unit: 2165

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because:

- The specification combines the drawings of Figure 6a and 6b as Figure 6.

Since the drawings submitted do not contain Figure 6, the Applicant is advised to make corrections to the specification to refer Figure 6 as Figures 6a and 6b.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 3, 5, 8, and 9 provides for the use of transmission lines to send information, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 3, 5, 8, and 9 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

Art Unit: 2165

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Enomoto et al (U.S. Patent Publication 2003/007681 A1 and known hereinafter as Enomoto).

As per claims 1, 7, and 10, Enomoto teaches an information transmission system is characterized by two transmission lines and a plurality of transmission terminals that are connected thereto to transmit information to each other (i.e. In Figure 1 clearly illustrates that two transmission lines are R11 and R12 and a plurality of transmission terminals are client groups C1-C4.)(Figure 1), wherein each of said transmission terminals is built up to receive information from a sender through said two transmission lines and is equipped with a relaying means which (i.e. *"The first client group C1 is a set of one or more clients and has a function for carrying out transmission/reception of frames between the first congestion control node A1 and the first client group C1. Each of the second through the fourth client groups C2 to C4 is similar in structure and operation to the first client group C1. That is, the second client group C2 has a function for carrying out transmission/reception of frames between the second congestion control node A2 and the second client group C2."*) The preceding text clearly indicates that transmission terminals, which are client groups C1-C4 receives information from a sender, which is illustrated based on the relationship of C1 and C2, where C1 is the sender of information and C2 is the receiver of information. In this illustration, information is contained in frames.)(Page 8, paragraphs 106-107), when receiving said information from only one of said transmission lines, sends out the received information to the other transmission line (i.e. *"The ring-shaped network R1 comprises a first one-way ring R11 turning around or flowing in a clockwise direction and a second one-way ring R12 turning around or flowing in a*

counterclockwise direction in the opposite direction to the first one-way ring R11. The first and the second one-way rings R11 and R12 are collectively called the ring-shaped network R1. The ring-shaped network R1 has a function for transferring frames sent from one of the first through the fourth congestion control nodes A1 to A4 to a different one of the first through the fourth congestion control nodes A1 to A4." The preceding text clearly indicates that a ring shape network R1 and R2 are two transmission lines where information is sent, where R1 sends information in one direction and R2 sends information in another direction.)(Page 8, paragraph 104).

As per claims 2, 4, and 6 Enomoto teaches an information transmission system wherein said information transmission system is equipped with a means which preferentially relays information to a relaying means of a transmission terminal close to said sender (i.e. *"The ring-shaped network R1 has a function for transferring frames sent from one of the first through the fourth congestion control nodes A1 to A4 to a different one of the first through the fourth congestion control nodes A1 to A4."* *"The routing table A12 has a function for memorizing a cost up to each destination congestion control node and an ID of a sending one-way ring. The ID of the sending one-way ring indicates either the first one-way ring R11 or the second one-way ring R12. Information of the routing table A12 is used by the transfer direction determination part A11, and the first and the second congestion control parts A13 and A14. At any rate, the routing table A12 designates a transfer path for destination."* The preceding text clearly indicates that a routing table determines the preferentiality of relay information and the congestion control nodes A1-A4 are the relaying means of a transmission terminal. In addition, paragraph 125 illustrates that the preferentially relay information is sent close to the sender, where C1 is the sender and C4 or C2 are the recipient of the relay information.)(Page 8, paragraph 104; page 9, paragraphs 124-125).

As per claims 3 and 5, Enomoto teaches an information transmission system according to claim 1, wherein each of said transmission terminals is equipped with a means which uses said two transmission lines to send information from said terminal to the other transmission terminal (i.e. *"The two-way link L100 is a two-way link for linking the first client group C1 with the first congestion control node A1 and for linking the first congestion control node A1 with the first client group C1. The first one-way link L101 is a one-way link for linking the second congestion control node A2 with the first congestion control node A1 and belongs to the first one-way ring R11. The third one-way link L103 is a one-way link for linking the fourth congestion control node A4 with the first congestion control node A1 and belongs to the second one-way ring R12."* The preceding text clearly indicates that the transmission terminal, which is C1 is equipped with the means to use two transmission lines, which are R11 and R11, respectively. Both lines are used to send information from C1 to the other transmission terminal, which may be C2 or C4.)(Page 9, paragraphs 117-120).

As per claims 8 and 9, Enomoto teaches an information transmission system wherein each of said railway vehicles has two of said transmission terminals each of which has a means to use said transmission lines when said transmission terminal sends information from the vehicle having the transmission terminal to the other vehicle (i.e. *"The two-way link L100 is a two-way link for linking the first client group C1 with the first congestion control node A1 and for linking the first congestion control node A1 with the first client group C1. The first one-way link L101 is a one-way link for linking the second congestion control node A2 with the first congestion control node A1 and belongs to the first one-way ring R11. The third one-way link L103 is a one-way link for linking the fourth congestion control node A4 with the first congestion control node A1 and belongs to the second one-way ring R12."* The preceding text clearly indicates that the transmission terminal, which is C1 is equipped with the means to use two transmission lines, which are R11 and R11, respectively. The vehicle in this illustration would be the congestion control node, A1-A4. Both lines are

Art Unit: 2165

used to send information from C1 to the other vehicle, which may be A2 or A4.)(Page 9, paragraphs 117-120).


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhan M. Syed whose telephone number is 571-272-7191. The examiner can normally be reached on 8:30AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FMS


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2165